

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Withdrawn claims 1, 3-5, 7-15, 18-26, 29-37, and 40-49 are canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 2, 6, 16, 17, 27, 28, 38, 39, and 50-55 are pending. Claims 2, 6, and 38 are amended, and claims 50-55 are added. Claims 2, 6, 16, 27, 38, 54 and 55 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Restriction Requirement**

The Examiner has withdrawn claims 1, 3-5, 7-15, 18-26, 29-37, and 40-49 from consideration. By this Amendment claims 1, 3-5, 7-15, 18-26, 29-37, and 40-49 have been canceled. The Applicants reserve the right to file one or more Divisional Applications directed to withdrawn claims 1, 3-5, 7-15, 18-26, 29-37, and 40-49 at a later date if they so desire.

**Foreign Priority**

The Applicants thank the Examiner for acknowledging the applicants claim for foreign priority.

**Information Disclosure Citation**

The Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed September 24, 2001, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

**Amendments to the Specification**

The specification is amended merely to correct minor typographical errors. No new matter is entered.

**Rejection Under 35 U.S.C. § 102**

Claims 2, 6, 16, 17, 27, 28, 38, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi et al. (U.S. 5,831,676). This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claims 2, 6, 16, 27, 38, 54, and 55 are now pending in this application.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, each of independent claims 2 and 6 has been amended to recite a combination of elements in an apparatus for controlling an aperture of a camera, including *inter alia*

a controlling device that controls the diaphragm mechanism to set the aperture within the aperture range determined by said second determining device for obtaining at least one of photometry data of automatic exposure and video signals of auto focus, and controls the

diaphragm mechanism to set an aperture within the aperture range determined by said first determining device for recording of an image.

Independent claim 16 as currently written recites a combination of steps in a method for controlling an aperture of a camera, including *inter alia*

determining an aperture out of an aperture range for a normal shooting which secures predetermined optical capability; and

controlling a diaphragm mechanism to use said aperture according to a shooting mode selected.

Independent claim 27 as currently written recites a combination of elements in an apparatus of controlling an aperture of a camera, including *inter alia*

a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting; and

a controlling device that controls a diaphragm mechanism to set the aperture within the aperture range determined by said second determining device for the normal shooting according to a shooting mode selected.

Independent claim 38 as currently written recites a combination of elements in a camera, including *inter alia*

a second determining device that determines an aperture range including an aperture out of the aperture range for the normal shooting;

a shooting mode setting device that sets a shooting mode; and

a controlling device that controls the diaphragm mechanism to set the aperture within the aperture range according to the shooting mode selected by said shooting mode setting device.

Further, each of independent claims 54 and 55 has been added to recite a combination of elements in an apparatus for controlling an aperture of a camera, including *inter alia*

a first determining device that determines a first aperture range used for securing a predetermined optical capability when shooting for recording an image, the first aperture range being used for obtaining at least one of photometry data of automatic exposure and video signals of auto focus;

a second determining device that determines a second aperture range including an aperture out of an aperture range of the first aperture range; and

a controlling device that controls a diaphragm mechanism to set the aperture within the first aperture range determined by said second determining device, and controls the diaphragm mechanism to set the aperture within the first aperture range determined by said first determining device for recording of the image.

In the present application, the "aperture out of the aperture range for the normal shooting" is set outside the normal aperture range that secures the predetermined optical capability (i.e., outside the secured range). By contrast, Takahashi et al. merely discloses the diaphragm control in the normal aperture range, and does not disclose the idea of using "an aperture out of the aperture range for the normal shooting" as in the present invention.

The Examiner asserts that "area A" (Fig. 9) of Takahashi et al. corresponds to the "normal shooting" range of the present invention, and the aperture position (F1.4) used in "area B and area C" corresponds to the "aperture out of an aperture range for a normal shooting".

However, F1.4 of Takahashi et al. is the diaphragm stop of the range that secures the predetermined optical capability. This is different from "aperture out of an aperture range for a normal shooting" in the present invention.

Furthermore, Takahashi et al. merely disclose the exemplar controls of the "program mode" responding to various shooting scenes, and does not teach the use of "the aperture out of the aperture range for the normal shooting" for automatic exposure photometry or video signals of auto focus, as set forth in independent claims 2 and 6.

The Examiner interprets that control operation of Takahashi et al. by program chart (Fig. 9) can be included in the "automatic exposure" of the present invention, however, "automatic exposure" of the claims 2 and 6 exclusively refers to "obtaining the photometry data of automatic exposure" (Fig. 10), therefore, by amending this point as the amended claims 2 and 6 above, the difference between the present invention and diaphragm control in the "program mode" is more explicit.

Claims 16, 17, 27, 28, 38, 39 of the present invention state that shooting is performed using the "aperture out of the aperture range" in a particular shooting mode (e.g., portrait mode).

The Examiner points out the relationship between disclosure of control embodiment of the portrait mode of Takahashi et al. (Fig. 21) and the present invention, however, as stated above, aperture size (F1.4) of Takahashi et al. is a diaphragm position fulfilling the predetermined optical capability that is also available for normal shooting, which is concept different from the "aperture out of the aperture range for the normal shooting" of the present invention.

Takahashi et al. merely discloses that shooting is performed within the aperture range that secures its capability (F1.4 to F16), but do not disclose the concept regarding the use of "extra aperture size" and "extra small size", which is outside this range.

The Applicants respectfully submit that the combination of elements/steps as set forth in each of independent claims 2, 6, 16, 27, 38, 54, and 55 is not disclosed or made obvious by the prior art of record, including Takahashi et al.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements/steps as set forth in each of independent claims 2, 6, 16, 27, 38, 54, and 55 is not disclosed or made obvious by the prior art of record, including Takahashi et al.

Accordingly, each of independent claims 2, 6, 27, 38, 54, and 55 is in condition for allowance.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

**CONCLUSION**

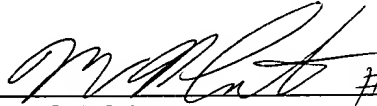
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
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